

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
NOVEMBER 7, 2007**

Members present: Melanie Chase, Ben Tucker, Matthew Brown, and Kim Day

Members absent: Walt Eismann, Rob Wolf, and Dudley Bates

Also present: Tina Williamson, Acting Planning Manager; Dori DeBord, Director of Planning and Development; Herman Wright, Principal Planner; Ian Sikonia, Senior Planner; Tony Walter, Principal Planner; Tony Nelson, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; Candace Lindlaw-Hudson, Clerk to the Commission

OPENING BUSINESS

The meeting opened with the Chairman leading the meeting in the Pledge of Allegiance. The Chairman introduced the commissions present and reviewed the manner in which the meeting is conducted and rules for voting.

Acceptance of Proof of Publication:

Commissioner Tucker made a motion to accept the proof of publication.

Commissioner Chase seconded the motion.

The motion passed 4 – 0.

Approval of Minutes:

Commissioner Tucker made a motion to approve the minutes for the October meeting as submitted.

Commissioner Chase seconded the motion.

The motion passed 4 – 0.

Chairman Brown stated that item G: Heathrow PUD – Brookhaven Phase II Rezone and Small Scale Land Use Amendment has been requested for continuance by the applicant.

Commissioner Tucker made a motion to continue Item G to the February 6 meeting.

Commissioner Chase seconded the motion.

The motion passed 4 – 0.

NEW BUSINESS

Technical Review Item:

A. Ligonier Academy Subdivision Plan; Guy Rizzo, applicant; 27.06 acres; Preliminary Subdivision approval for a 4-Lot Theological Academy and Church zoned PUD (Planned Unit Development) located on the south side of Wayside Drive, 540 feet east of Orange Boulevard.

Commissioner Carey – District 5
Tony Walter, Principal Planner

Mr. Walter said that the subdivision will have Seminole County Water and sewer. The plan is to have a Theological Academy and Church on the site. The plan complies with all requirements of the PUD requirements and the Land Development Code. Staff recommendation is for approval.

Guy Rizzo was present representing the owner.

Commissioner Tucker asked Mr. Rizzo to explain the status of the property to the south.

Mr. Rizzo stated that the property to the south had been part of the PUD and had been removed. It is currently zoned A-1 and there are no plans for development at this time.

Commissioner Tucker asked about the exits from the site.

Mr. Rizzo said that there would be just the one designated entry and exit, with no exit to the west.

Commissioner Tucker made a motion to approve the PSP.

Commissioner Chase seconded the motion.

The motion passed 4 -0.

Unscheduled item::

Harris Reserve Subdivision PSP; BBC Development Group, LLC., applicant; approximately 10.07 acres; Preliminary Subdivision approval for a 7 Lot Single Family Residential Subdivision zoned A-1 (Agriculture); located West of I-4, North of EE Williamson Road.

Commissioner Carey – District 5
Brian Walker, Senior Planner

Tony Walter presented the preliminary subdivision plan for the Harris Reserve Subdivision. The plan is for 7 single-family residential lots, zoned A-1 (Agriculture). The subdivision will use septic systems. The PSP complies with all provisions of the Land Development Code. Staff recommendation is for approval.

Commissioner Tucker said that this site is next to the interstate (I-4) and expressed his concern that there should be some way to note that noise abatement walls along the adjacent segment of the highway will not be provided by the public in the future.

Tina Williamson stated that in straight zoning such specifications are not possible since there is no development order.

Kathy Furey-Tran said that there could be language put in the deeds of the individual parcels.

Commissioner Tucker said that he would not approve the plan without deed restrictive provisions.

Tony Walter said that the applicant is installing walls and water features to buffer sound.

Commissioner Tucker said that he would like provisions to keep the taxpayers from building walls along the interstate in the future.

Commissioner Chase said that she is comfortable with the water feature and the wall.

Commissioner Chase made a motion to approve the plan.

Commissioner Day seconded the motion.

The vote was 3 – 1 in favor of the motion. Commissioner Tucker voted “no”.

Public Hearing Items:

B. Little Voices Learning Center; Sherri Fragomeni, applicant; 0.62± acres. Small Scale Land Use Amendment from LDR (Low Density Residential) to OFF (Office) and Rezone from R1-AA (Single Family Residential) to OP (Office District); located on the southwest corner of the intersection of Sand Lake Road and Oak Haven Drive. (Z2007-42 / 10-07SS.01)

Commissioner Van Der Weide – District 3
Ian Sikonia, Senior Planner

Ian Sikonia stated that the applicant is proposing to expand the existing single family home into a 4,555 square-foot day care facility with a playground area. The property is required to connect to water and sewer and proposes a dry retention pond on the western and northern portion of the property. The day care facility is providing 8 regular parking spaces and 1 handicapped space on site.

The subject site is adjacent to properties with a residential future land use designation, therefore all development is required meet the active/passive buffering requirements of Section 30.1232 of the Land Development Code. Due to the residential subdivision in the rear of the site, the applicant is required to have a 25-foot landscape buffer and a 50-foot building setback.

Mr. Sikonia said that staff has received 8 letters in support and 12 letters in opposition to the proposed day care facility. There were two maps shown with the location of the neighbors who signed the letters submitted to the commissioners.

Mr. Sikonia stated that staff recommends approval of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and a rezone from R-1AA (Single Family Residential) to OP (Office) on approximately .62± acres, located on the southwest section of the intersection of Sand Lake Road and Oak Haven Drive.

Commissioner Chase asked for a clarification of the diagram attached to the letters submitted to the commissioners.

Mr. Sikonia stated that the scored lots on the diagram represented those residents in opposition to the application.

Commissioner Tucker asked Mr. Sikonia what the staff requirements will be for the facility.

Mr. Sikonia said that state certification is required and staff ratios come from that.

Commissioner Tucker noted that there was no mass transportation near the site of the application.

Mr. Sikonia concurred. Staff would be driving and parking.

Commissioner Tucker said that the 7 parking spaces will likely be taken up by staff. Where will the rest of the people supposed to park? Staff has recommended approval of the application. Location of parent parking should already be known. Additional parking should be required in addition to staff.

Tina Williamson stated that staff can only go by the Land Development requirements. The Development Review Committee did not identify any parking issues.

Commissioner Tucker asked about the status of Sand Lake Road expansion.

Mr. Sikonia said that the widening of Sand Lake Road was in the 5-Year Plan, but he did not know the status of the project.

Commissioner Tucker stated that it had been in the 5-Year Plan, but it has been withdrawn from the budget and according to the district commissioner, the expansion will not be happening in the near future.

Ms. Williamson stated that the report was based on the information provided by the Development Review Committee, which was the best available information at the time.

Commissioner Tucker said that the neighbors were not being served by inclusion of inaccurate information. If he could get accurate information, why not the staff?

Sherri Fragomeni stated that she was the civil engineer on the project. She concurs with staff's recommendation. There will be 95 children and there will be a requirement of 7 staff. There are 9 parking spaces with a drop-off area in the front.

Commissioner Tucker asked about handicapped parking.

Ms. Fragomeni said that there was one handicapped parking space.

Commissioner Tucker said that left 8 spaces. Is that enough? If a parent has a question, where do they park?

Ms. Fragomeni said that there was the one space and the drop-off area in the front.

No one spoke in favor of the application.

Debra DeLawder of 1211 Oak Haven Drive spoke in opposition. She is a 21-year resident of the neighborhood. She said that her road is a 10 house, dead-end street. She is concerned about traffic and the potential of 95 cars per day going there. The parents will park in the street. The garbage truck backs down the street now because it cannot turn around on the street. Cars will be turning around in resident's driveways. Mail will not deliver if the post boxes are blocked by parked cars. Ms. DeLawder said that she is concerned about the quality of life of area residents. There are already 4 area schools on Sand Lake Road. There will be school functions with the potential of 95 cars needing to park there. Ms. DeLawder asked about the exits from the property. Where will the exit onto Bear Gully Drive be? How much does the neighborhood sentiment count? Most neighbors have lived that for 20 years or more.

Chairman Brown said that it is a balance between the landowner rights and the neighboring landowner rights. The commissioner serves to mitigate the situation.

Ms. DeLawder concluded by saying that she was concerned with the quality of life for the residential neighborhood with this business coming to the site.

Phil Knudsen of 1230 Oak Haven Drive spoke in opposition. He has lived in his house for 30 years, with some neighbors living in the area for 30 and 43 years. He is concerned with other businesses wanting to locate in the area in the future if this project comes in. Mr. Knudsen said that he had drawn up the statement of opposition. He got 12 signatures, 4 of which originally signed letters of support, before they knew the situation completely. Mr. Knudsen said that his wife was one of the 4 original signers in favor of the project. She changed her mind. Mrs. Slack also changed her mind. She then signed the letter of opposition. Mr. Knudsen said that the pre-school parents will have to park in the road.

Sherri Fragomeni stated that this is a pre-school, so there will not be a lot of functions there. She has provided a 25-foot active/passive buffer between the facility and the houses in the neighborhood, which will be landscaped. At the time she presented the project, she had 7 letters of support.

Commissioner Chase said that this is too much facility for the lot - 0.62 acres – for a 4,500 square foot facility with drop-off, parking, and playground. It is too much for 0.62 acres. The placement of the facility in a low-density residential area is inappropriate. It does not fit in the neighborhood. Parking is not the only issue.

Commissioner Tucker agreed with Commissioner Chase. The proposed zoning is Office Professional. This is a residential neighborhood except for the schools. This would start a trend that is incompatible. The traffic has been misrepresented and parking is an issue. He would recommend denial.

Commissioner Tucker made a motion to recommend denial of the request.

Commissioner Chase seconded the motion.

Commissioner Brown said that his children went to pre-school, and he would anticipate parent attendance at functions at the school.

Commissioner Tucker said that the Sand Lake Road development has been taken out of the 5-Year Plan. In the development of the Seventh Day Adventist property at the end of Oak Haven Drive, many scenarios have been discussed.

The motion carried 4 – 0. The recommendation was for denial of the request. Chairman Brown noted the correction of the language in the development order to be changed from Bear Gully Road to Sand Lake Road.

C. Orange Commons Rezone; Louis Fabrizio, applicant; 0.4± acres. Rezone from CN (Neighborhood Commercial) to C-1 (Commercial); located on the southwest corner of W SR 46 and Orange Boulevard. (Z2007-55)

Commissioner Carey – District 5
Herman Wright, Principal Planner

Herman Wright stated that the applicant would like to remove the existing building from the site and combine the outparcel site with a 2.85 surrounding adjacent property to construct a 12 unit, 18,200 square foot retail center. The surrounding parcel is currently zoned C-1 Retail Commercial. Surrounding property future land uses and zonings are compatible with the request. Staff recommendation is for approval.

Louis Fabrizio said that he concurred with staff. He wants to have a consistent zoning for his land for the development planned.

No one spoke from the audience on the application.

Commissioner Tucker said that the property has had many uses through the years. The request is compatible with the area.

Commissioner Tucker made a motion to recommend approval of the request.

Commissioner Chase seconded the motion.

The motion passed 4 – 0.

D. W Chapman Rd (2155) Rezone; Terra Engineering / Rashid H Jamalabad, P.E., applicant; 15.51± acres; Rezone from A-1 (Agriculture) to C-3 (Commercial); located on the south side of W Chapman Rd, east of SR 417, 220 feet west of Tatra Street. (Z2007-48)

Commissioner Dallari - District 1
Herman Wright, Principal Planner

Mr. Wright stated that the request contains 2 parcels containing 11.26 acres. The applicant would like to have a boat, truck, RV rental facility with a warehouse and truck repair and storage facility. The future land use of the property is Industrial. Future land use designations to the east, south and west are Industrial, with MDR (Medium Density Residential) across West Chapman Road. The surrounding zoning districts to the north, east, south and west are A-1 (Agriculture). The request is compatible with the character of the surrounding properties. Staff recommends approval of the request.

Rashid Jamalabad stated that he agreed with staff's recommendations and was present to answer questions.

No one spoke in favor of the application.

Catherine Eisman Rodenburg of 2200 W. Chapman Road said that she had lived there for 15 years. She wanted to know who owns the property. The property is a swamp. There are two drainage ponds from the 417 and Aloma Avenue there. The road to the property is unpaved and in poor condition. Water leaches onto the road. The County does not maintain the swales and dust is a problem on the road. She is concerned that the applicant will use Eagle Pass Road as well as Chapman. The area is definitely wetlands, with water sitting on the property every day. Oak Trees in the area have already died from area flooding. The 417 is to be expanded. This project will only make the flooding worse.

Mark Bay of 2210 Eagle Pass Road owns property adjacent to the application site. He is concerned with traffic coming to the area. He said that water is around everywhere. There would be an enormous amount of fill needed to cover the swamp. He had to raise his home 3 feet in order to keep it out of the water. The water from the site will have to go somewhere. Mr. Bay said that he and a neighbor have been keeping Eagle Pass Road. The non-resident owned trucks are tearing up the road.

Commissioner Tucker asked if Mr. Bay's house was on sewer or septic.

Mr. Bay said that he was on septic and that he had no problems at the present.

Charles J. Laursen of 2235 Eagle Pass Road said that the property is low. He lives at the end of Eagle Pass Road. If the property is filled in, it will cause his property to flood. Cows get stuck in the muck in the area. Mr. Larson showed pictures of the property, taken after rainless weather. Pictures showed standing water and a cypress tree. There is a drainage ditch crossing the property which carries water from adjacent properties to retention area.

Arnt Vagle spoke in rebuttal. He said that the property will only have access from Chapman Road. Eagle Pass Road is a private road. The State has a 30-foot right-of-way where the creek runs. No one will change the creek. We might enlarge the creek for better flow. The neighbor was concerned about the creek along the road. The current owner tried to give the creek by the road to the County. The County did not want to do that. The creek comes from the other side of 426 and carries quite a bit of water.

Rashid H. Jamalabad stated that the final engineering will take care of all of the county and state water regulations.

Ms. Rodenberg said that the road to her house is an unmaintained road.

Commissioner Brown asked for clarification on trees being removed without a permit on A-1 property.

Ms. Williamson said that they can be for agricultural purposes. Also, the owner of record for the property is Chuck Blankenship. The applicant has a lease which gives him permission to apply for the rezoning.

Commissioner Brown said that this is a straight rezone. How is water addressed on the property?

Ms. Williamson said that if the rezone were approved, they would just get a site plan approval.

Commissioner Brown asked if the applicant could put a fence around the property and store things without putting a structure on the property.

Ms. Williamson said that they would still have to go through site plan approval to do that. They would have to do road and drainage improvements.

Commissioner Brown said that they would be required to store the water on site.

Ms. Williamson said that all of the Land Development Code requirements would have to be met.

At this time the meeting adjourned for 5 minutes and was promptly reconvened.

Commissioner Tucker stated that the use on paper looked like a good plan. In reality, this is an infill use in an area of agriculture/residential use. If it were surrounded by vacant land, that would be one thing. It is low there.

Commissioner Brown asked Ms. Williamson if the land showed as low on the flood plane maps.

Ms. Williamson said that the property did not show as being low on the FEMA maps.

Tony Nelson said the property did not show as jurisdictional wetlands. It is low-lying land.

Commissioner Tucker said that he was concerned about going in with no parameters in this straight rezone. When it is an infill situation, straight zonings have less compatibility that planned projects.

Commissioner Brown said that PUDs can tie the hands of the developers.

Commissioner Tucker said that there are adjacent residential uses. We have an obligation to the adjacent home owners for the interim. Maybe in 20 years things will be right. He is not in favor of the request.

Commissioner Chase said that it is in the middle of a lot of agricultural area. This is a lot to put in the middle.

Commissioner Chase made a motion to recommend denial.

Commissioner Day seconded the motion.

Commissioner Brown said that in 20 years the proposed project may be compatible, but not now.

The motion passed 4 – 0. The recommendation was for denial of the request.

E. Eden Point Rezone; Ralph Spano, Spano & Associates, Inc., applicant; 26.78± acres. Rezone A-1 (Agriculture) to PUD (Planned Unit Development); located on the west side of Dodd Road and north of Howell Branch Road. (Z2007-53)

Commissioner Dallari - District 1
Herman Wright, Senior Planner

Mr. Wright noted that he had 2 pages of changes to the staff reports to amend the agenda book.

The applicant is requesting a PUD (Planned Unit Development) with 39 residential lots, 11 of which have lake access and be a minimum of 11,900 square feet. The remaining 28 lots will be a minimum of 6,900 square feet. The net density of the proposed PUD is 3 dwelling units per net buildable acre. The existing future land use on the property is Low Density Residential, which allows such development. The request is consistent with area development. Staff recommendation is for approval of the request.

Dianne Kramer stated that she concurred with staff recommendations.

Suzanna Lawler-Isco of 1570 Dodd Road was concerned with the minimum house size and wanted to know that the homes would be comparable to hers.

Commissioner Tucker asked what her house size was.

Ms. Lawler-Isco said she had a 3,000 square-foot home with detached garage.

Basil Dodd of 1424 Dodd Road said that he was concerned about the ditch that runs along Dodd Road. Will the ditch be cleaned out and maintained? The property also runs along the lake bottom to the other side of the lake. What will happen there? There is dry land there. Will the land be green space? Will the ditch be opened up for public access? At one time it was a privately dredged canal.

Commissioner Tucker asked if Mr. Dodd was related to Jack Dodd who served on the Agricultural Commission in Tallahassee.

Mr. Dodd said he was related to Jack Dodd. Mr. Dodd said that father was B.C. Dodd who served as a Seminole County Commissioner for 12 years.

Dianne Kramer said that some of the questions will be answered later in the process. The ditch Mr. Dodd referred to is not on the subject property. There will be no public access to the lake. This will be a high-end, gated community. Property on the other side of the lake will be sold off to adjacent homeowners there. That property is not in the green space calculations for the PUD; all green space is on the south side of the lake.

Commissioner Tucker asked about house sizes and prices of homes.

Ms. Kramer said there were two types of lots and homes in the project. Lake front homes will be larger, high-end custom homes. These homes will be \$500,000.00 and up. The smaller lots will have smaller houses. They will be compatible with the area.

Commissioner Chase made a motion to recommend approval of the requested rezone, attached Preliminary Master Plan, and Development order.

Commissioner Tucker seconded the motion.

The motion passed 4 – 0.

F. Red Bug Lake Road (5885) / PCD Major Amendment; Brett Nevaril, Progressive Development Group, applicant; 0.97± acres; PCD Major Amendment; Rezone PCD (Planned Commercial Development) to PCD (Planned Commercial Development); also Revised Preliminary Site Plan, Revised and Restated Development Order, Final Site Plan, Revised and Restated Developer's Commitment Agreement; located on the southeast corner of Red Bug Lake Road and Tuskawilla Road. (Z2007-36)

Commissioner Dallari – District 1
Herman Wright, Principal Planner

Herman Wright stated that this rezone application would amend the PCD site plan and Developer's Commitment Agreement approved in November of 1988. The original approval was for a 988 square-foot gas station and car wash and all uses within the C-1 Retail Commercial District. The applicant is requesting that the convenience store be increased in size from 988 square feet to 4,200 square feet. This project is compatible with the "Commercial" future land use designations surrounding the site and the C-1 Commercial zoning district surrounding the site. Staff recommendation is for approval of the request for a PCD Major Amendment; Rezone PCD (Planned Commercial Development) to PCD (Planned Commercial Development); also Revised Preliminary Site Plan, Revised and Restated Development Order, Final Site Plan, Revised and Restated Developer's Commitment Agreement.

Commissioner Tucker noted the road name on the map of "Tuskawilla Gabriella Road," which he has never seen on any Seminole County documents.

Commissioner Brown said that the road name should be confirmed before the BCC hearing.

Brett Nevaril was present to answer questions. He stated that the road name came from original documents and the legal description of the property. He will check on the name.

There were no comments from the audience.

Commissioner Brown noted that the placards placed on sites of applications should reflect the precise action being requested, such as "expansion of size of convenience store."

Commissioner Day made a motion to recommend approval of the request for PCD Major Amendment; Rezone PCD (Planned Commercial Development) to PCD (Planned Commercial Development); also Revised Preliminary Site Plan, Revised and Restated Development Order, Final Site Plan, Revised and Restated Developer's Commitment Agreement.

Commissioner Chase seconded the motion.

The motion passed 4 – 0.

G. Heathrow PUD - Brookhaven Phase III Rezone and Small Scale Land Use Amendment / Major Amendment to a PUD (Planned Unit Development), and Amendment to a Development of Regional Impact; CPH Engineering / Dana Boyle, applicant. 4.21± acres. Rezone A-1 (Agriculture) to PUD (Planned Unit Development) and SSLUA (Small Scale Land Use Amendment) from SE (Suburban Estates) to PD (Planned Development); also an Amendment to the Heathrow DRI (Development of Regional Impact); located east of Markham Woods Road, south of Markham Road. (Z2007-49)

Commissioner Carey – District 5
Herman Wright, Principal Coordinator

This item was continued to the February 6, 2008 meeting during the opening business tonight.

CLOSING BUSINESS

Tina Williamson presented the 2008 – 2009 meeting dates to be approved at the next meeting. The January 2009 meeting has been suggested for deletion due to scheduling considerations.

Ms. Williamson stated that Alison Stettner will be starting as the new Planning Manager on November 19. This will be Ms. Williamson's last meeting as Acting Planning Manager.

Chairman Brown expressed appreciation to Tina Williamson for her work as Acting Planning Manager.

There being no further business, the meeting adjourned at 8:50 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Clerk to the Commission